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**The Texas Senate
 Committee on Criminal Justice**

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November 1, 2000

The Honorable Rick Perry
 Lieutenant Governor of the State of Texas
 Post Office Box 12068
 Austin, Texas 78711

Dear Governor Perry:

The Senate Committee on Criminal Justice is pleased to submit its final report on Interim Charge Ten. The mandate of Charge Ten has prompted the Committee to:

Monitor correctional capacity needs of adult and juvenile facilities.

In compliance with your request, a copy of this report will be circulated to all Senators and other interested parties.

Respectfully submitted,

Senator Ken Armbrister Chairman

Senator Robert Duncan
 Vice Chairman

Senator Mike Jackson

Senator Jane Nelson

Senator Florence Shapiro

Senator Royce West

Senator John Whitmire

BACKGROUND METHODOLOGY

The Senate Committee on Criminal Justice met in public hearing on April 18, 2000, and gathered testimony from the state agencies whose policies directly affect correctional capacity. Presenting testimony to the Committee at the hearing were Wayne Scott, Executive Director of the Texas Department of Criminal Justice, Gerald Garrett, Chairman of the Texas Board of Pardons and Paroles, and Dr. Tony Fabelo, Executive Director of the Texas Criminal Justice Policy Council. Each agency director provided an analysis of controls and developments within their agencies that might affect capacity. Additionally, committee staff monitored presentations offered by the Criminal Justice Policy Council before the committees of appropriate jurisdiction in the Texas House and Senate, as those committees met in public hearing throughout the interim. Finally, committee staff gathered information and updates on prison population from these criminal justice leaders and others on a regular basis.

MONITORING THE SYSTEM

Tracking and monitoring of correctional capacity, by statute, is the purview of the Texas Criminal Justice Policy Council. The Council, created by SB 911 of the 68th Legislature, lists as its mission:

To generate through research, planning and evaluation the knowledge needed by the Governor and legislature to develop and monitor policies for improving the effectiveness of the adult and juvenile justice systems.

Inherent in this mission is the review of population parameters and their effect on capacity at facilities within our correctional systems. The Council monitors any and all factors which effect the penal system in our state, including state and federal statutes, judicial proceedings at all levels, changes in sentencing philosophies or punishment standards, changes in correctional policies, and the influence on the system by external factors. Additionally, Section 413.009 of the Texas Government Code provides the duties of the Policy Council. Section 413.009(A)(9) mandates the Policy Council to *make population computations for use in planning for the long-range needs of the criminal justice system.*

As part of their mission, the Policy Council has provided interim updates on capacity issues and projections regarding capacity in our juvenile and adult facilities. Copies of those reports are attached as Appendix A and Appendix B.

CAPACITY CONCLUSIONS

The Texas Department of Criminal Justice (TDCJ), Institutional Division, provides incarceration housing for adult offenders in the state of Texas. TDCJ-ID is statutorily charged to provide safe confinement for inmates and has oversight for all 116 adult correctional facilities, and state jails and contract facilities used to house offenders awaiting transfer to the division's correctional facilities. As of July 2000, total TDCJ system wide correctional capacity was just over 154,000 beds. To meet additional capacity needs, the prison system has short-term budget flexibility to spend forward beyond current appropriations as needed.

In its review, the Criminal Justice Policy Council projects a need for additional confinement space of 14,662 beds by 2005. This assumes the continuation of present release policies and trends within the system. Some of the additional beds needed can be acquired through contracting with counties with available space. An annual audit of available county bed space should show where additional housing needs can be met. Currently, over four thousand beds remain available in county jails and can meet some of the potential need for expansion in the short term.

The Texas Youth Commission (TYC) is responsible for housing juveniles who commit offenses when they were at least 10 and less than age 17, and can maintain jurisdiction over the offender until he or she reaches the age of 21. TYC has 15 secure facilities and operates nine halfway houses that serve as transition spaces for youths moving from TYC confinement to parole. Currently twenty percent of the TYC population is accommodated through private or county residential contract programs.

According to the Criminal Justice Policy Council, the TYC offender population has doubled in the last five years, to almost 5,900 offenders within the system. Since 1995, TYC has added 2,460 state operated beds, a dramatic increase that is due in part to changes in our juvenile justice system. While the Texas juvenile population is projected to increase 10.2 percent between 2000 and 2005, a much faster rate of increase than the previous corresponding five year period (1995 -2000) where the growth rate was measured at 4.2 percent, juvenile arrests in our state are expected to continue to decline. Juvenile arrests in Texas declined 2.5 percent in 1997, four percent in 1998, and 10.3 percent in 1999 and that trend is expected to continue. If both trends hold true, TYC is projected by the Criminal Justice Policy Council to have adequate capacity to meet demand for space until late 2005.

APPENDIX

A

Report

Adult Correctional Population Projection for Fiscal Year 2000 - 2005 and Long-Term Planning Options

June 8, 2000

Tony Fabelo, Ph.D.
Executive Director
Criminal Justice Policy Council
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Note from the Director

This report presents the adult correctional population projection for Texas for fiscal years 2000 - 2005 and reviews long-term planning options to address the increased demand for correctional capacity. The increased demand started in mid-1999 as a result of fewer prison releases. A policy change in 2000 in Harris County dealing with the sentencing of state jail felons increased admissions to State Jails. Further increasing the demand for correctional capacity has been an increase in parole revocations. In June 1999 and April 2000 the prison system contracted for additional beds needed to meet demand. The prison system has short-term budget flexibility to spend funds needed for contracting. The contracted capacity has allowed Texas to meet its prison capacity needs.

The long-term projection shows a need to expand correctional capacity or adopt diversion policies to meet future demand for space. This assumes the continuation of present release policies and trends. By August 2005 Texas will need an additional 14,662 prison beds or a combination of policies to increase capacity and divert offenders from prison that is equivalent to the number of beds needed. Some of these beds are needed by August 2001 (3,503) in order to meet demand and this may require additional contracting for capacity over the short-term. Approximately over 4,000 beds in county jails are still available for potential expansion of contracted capacity. Over the long-term the planning emphasis focuses on examining policies and alternatives to parole and probation revocations to prison. This includes the expansion of parole intermediate sanction facilities for sanctioning technical parole violators in secure facilities and the expansion of similar programs for probationers. A set of other options is presented in this report and these are being considered by the Governor and legislative interim committees. The Criminal Justice Policy Council, working with the Texas Department of Criminal Justice, will analyze the potential impact of different alternatives and present more concrete planning options in the future.

Tony Fabelo, Ph.D.
Executive Director

Increased Demand for Prison Capacity Started in Mid-1999 Due to Tougher Release Policies

Month/Year	Parole Approval Rate	DMS Rate
Jan. 99	17.2%	55.7%
Feb. 99	16.7%	53.9%
Mar. 99	21.0%	52.2%
Apr. 99	18.3%	42.7%
May 99	18.3%	35.7%
June 99	16.3%	36.5%
July 99	17.6%	38.7%
Aug. 99	20.0%	41.6%
Sept. 99	19.3%	44.2%
Oct. 99	20.9%	48.9%
Nov. 99	19.8%	45.3%
Dec. 99	19.7%	51.4%

Trend in these months triggered interim planning

The September 1998 Legislative Projection showed no need for additional prison space between fiscal year 1999 and 2003. However, the projection assumed the continuation of the parole approval rate at 20% and the Discretionary Mandatory Supervision (DMS) approval rate at 50%. Both rates declined during 1999.

A Conditional Parole Vote Adopted by the Parole Board in March 1999 Also Resulted in a Decrease in Parole Releases During the Second Half of 1999 Further Increasing Demand for Space

Intended Goals of the New Policy*

- Increase number of offenders paroled by allowing appropriate offenders who would not have been paroled to be approved for parole after successfully completing a prison program
- Improve coordination between release decisions and program completion
- Decrease the long-term recidivism of offenders released on parole after participating in a rehabilitation program

Known Outcomes at This Time

- The number of paroles has not increased
 - Parole Board shifted its voting patterns from approving most offenders for immediate release to approving 50% to conditional release after program participation
- The longer time between approval and release for those approved conditionally on program participation impacted a decrease in the number of parole releases

Analysis of new data in April showed that there were 2,070 fewer parole releases between March 1999 and December 1999 as a result of this policy

* Policy known as the Tier of Rehabilitation Vote or FIR Vote

Policy Changes Since January 2000 Have Further Increased the Demand for Prison Space

- Change in sentencing policy regarding State Jail Felons in Harris County has increased demand for space
 - ✓ State Jail Felons who were sentenced to serve county jail time are now being sentenced to serve their time in State Jails (policy started approximately in February 2000)
 - ✓ Admissions to State Jails in February 2000 were the highest ever
- Increase in parole revocations has also increased demand
 - ✓ The number of parole revocations for the first six months of FY 2000 is 19% higher than for the first six months of FY 1999
- The new felony conviction rate increased by 2.9% in 1999 in spite of the crime rate declining by 3.1% during the first six months of 1999 and adult arrest declining by 1% during the same period
 - ✓ New felony convictions refer to convictions or deferred adjudications for offenders who, at the time of conviction, were not under felony probation supervision, parole or mandatory supervision.
 - ✓ These yearly data have become available for analysis during May 2000

TDCJ Interim Capacity Expansion Was Authorized in June 1999 and April 2000 to Allow Texas to Meet the Increased Demand for Prison Space

Description	Beds
Planning actions authorized in June 1999	
Maintain existing jail contracts	3,161
Convert portion of Roach boot camp	350
Open Sweetwater work camp	100
Expand San Angelo work camp	60
Expand Willacy State Jail	48
Reconfigure high-security additions	330
Reconfigure Robertson cells	216
Total	4,265
Planning actions authorized in April 2000	
Expand contracted capacity	1,500

- TDCJ has contracted with the counties for additional capacity
- TDCJ has short-term budget flexibility and there is no immediate requirement for additional funding
 - ✓ During FY 2001 the legislature will have to review TDCJ funding requirements related to interim capacity expansion
- County jail capacity is available for expanding contracting if necessary
 - ✓ Projected number of beds that can meet TDCJ contracting requirements by December 2001 above the number presently under contract: 4,455
 - ▮ According to a survey by the Texas Commission on Jail Standards and adjusted to account for most recent contracted capacity expansion

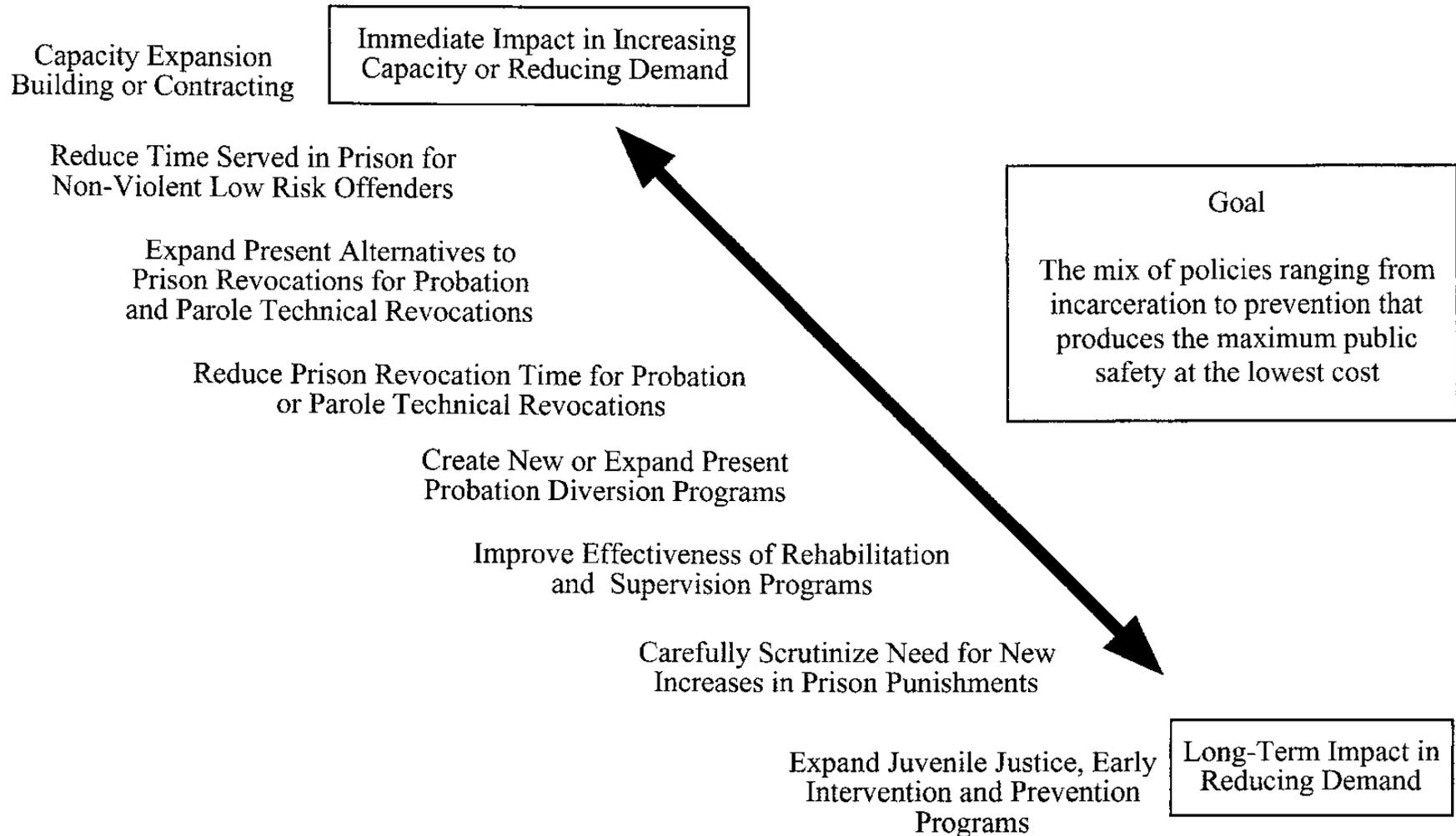
Long-Term Projection Shows a Need to Expand Capacity or Adopt Diversion Policies to Meet Future Demand for Correctional Space

June 2000 LAR Projection TDCJ Correctional Population Projection

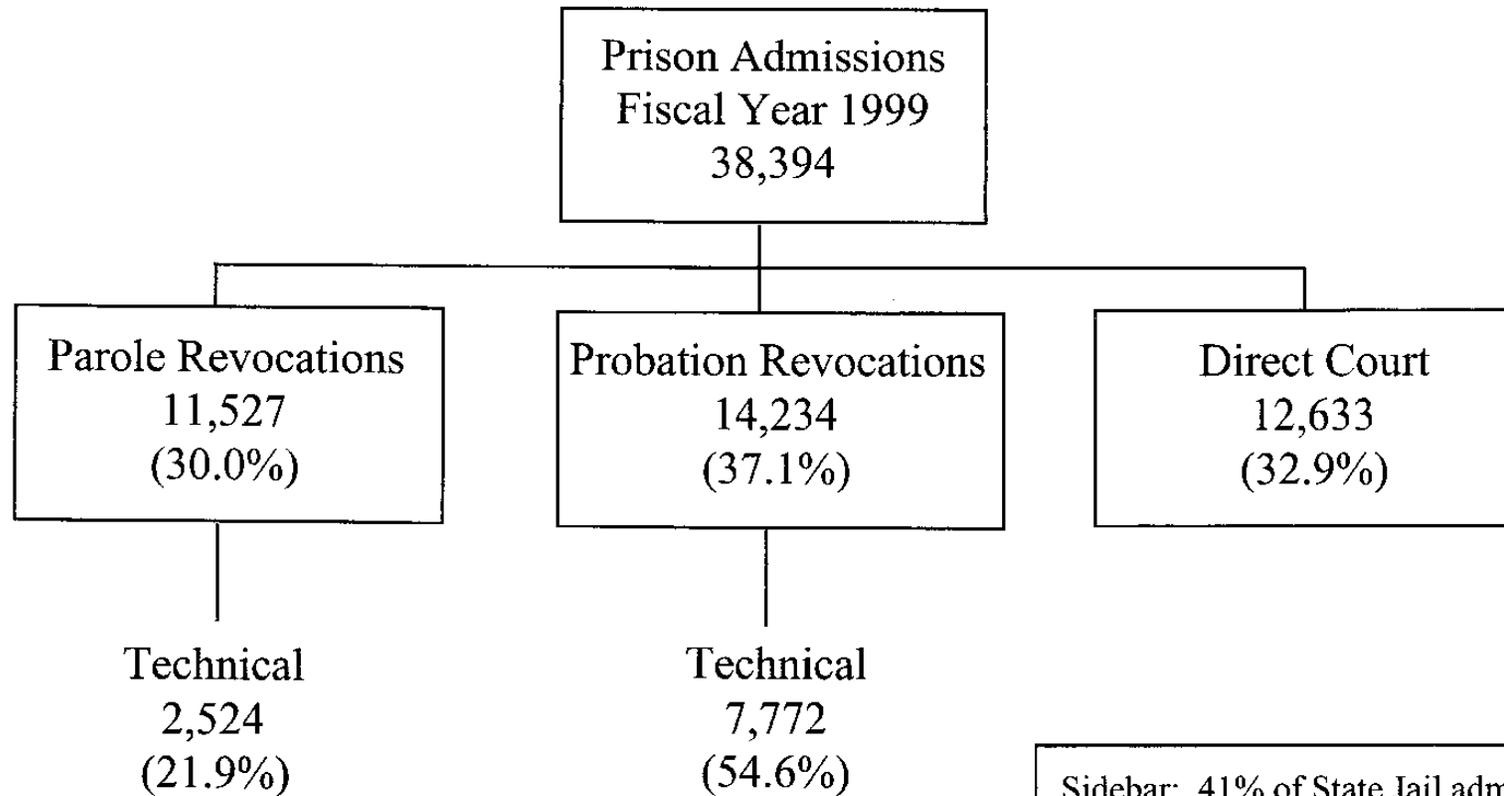
End of:	Correctional Capacity	County Contracted Capacity	Total Capacity	Operational Capacity (97.5%)	Correctional Population	Transitional Population*	Duty-to-Accept Population (Capacity Need)
8/2000	150,996	4,661	155,657	151,766	151,579	4,001	0
8/2001	150,996	4,661	155,657	151,766	155,269	3,977	3,503
8/2002	150,996	4,661	155,657	151,766	157,587	4,007	5,821
8/2003	150,996	4,661	155,657	151,766	159,444	4,028	7,678
8/2004	150,996	4,661	155,657	151,766	162,514	4,089	10,748
8/2005	150,996	4,661	155,657	151,766	166,428	4,073	14,662

* Transitional population is the population awaiting transfer to prison for less than 45 days. The state has a "duty-to-accept" offenders sentenced to prison after 45 days awaiting transfer in county jails.

A Continuum of Options to Manage Growth of Prison Population is Available for Consideration to Develop Long-Term Plans



Planning Emphasis Focuses on Examining Policies and Alternatives to Parole and Probation Revocations to Prison



Sidebar: 41% of State Jail admissions are for probation revocations and 62% of those are for technical reasons

Probation Revocations for Technical Reasons Have Increased Significantly and Expanding Residential Alternatives to Revocations is a Policy Under Consideration

	1994*	1995*	1996	1997	1998	1999	% Change 1994-1999
Statewide Capacity of Probation Residential Facilities	3,229	3,351	3,101	3,107	3,155	3,245	+0.4%
Felony Probation Population Under Jurisdiction	213,616	229,997	238,031	244,825	247,767	246,253	+15.3%%
Number of Technical Revocations to Prison and State Jails Reported by Probation Departments	7,564	9,129	9,909	11,453	12,249	12,613**	+66.7%
Percent Technical of All Felony Probation Revocations to Prison and State Jails as Reported by Probation Departments	46%	49%	51%	55%	54%	55%	-----

* Excluding programs funded with Alberti (Harris County litigation) funds

** Different from number on page 7 as this number includes technical probation revocations to State Jails

Parole Supervision Options Under Consideration

Options

- Expansion of parole Intermediate Sanction Facilities (ISFs) capacity to increase diversion options short of prison revocation
 - ✓ The present ISF capacity of approximately 1,600 beds is fully utilized
 - ✓ Approximately 500 to 600 beds in SAFP facilities are also being used as intermediate sanctions
- Reduction of prison revocation time for purely technical revocations
- Expansion or adoption of new community re-entry programs
- Limitation in the forfeiture of community supervision accredited time upon revocation for nonviolent offenders
 - ✓ Reduces parole supervision time
- Expansion of electronic monitoring capacity
- Creation of "annual report" supervision status for offenders who have successfully been on parole for a period of time and/or based on risk assessment
- Adoption of parole guidelines
 - ✓ In development by consultants to the Parole Board

Approximately 4,000 offenders a year could be eligible for placements in Intermediate Sanction Facilities

These are offenders projected to be revoked to prison for allegations of a new offense or for technical violations

A majority of offenders in these categories are placed in ISFs now except that capacity is presently not available for expanding the utilization of this option

Probation Supervision Options Under Consideration

Type of Probation Residential Facilities

- Court Residential Treatment Centers for offenders with substance abuse and some with mental/emotional problems
- Intermediate Sanctions Facilities for short-term detention in lieu of revocation
- Boot Camps
- Restitution Centers for offenders to participate in activities designated to assist them in paying back restitution to victims and society
- Substance Abuse Treatment Facilities for intensive substance abuse treatment

Options

- Expansion of capacity of probation residential facilities for use as alternatives to incarceration
- Expansion of drug courts
- Expansion of diversion alternatives for mentally ill offenders
- Reduce prison revocation time for probationers revoked on purely technical revocations
- Expansion of diversionary grant funding program
- Expansion of electronic monitoring capacity
- Create progressive sanction programs for offenders failing drug tests while under supervision

Effectiveness of these facilities will be evaluated this Fall by the CJPC working with the Community Justice Assistance Division of TDCJ

Appendix

Main Assumptions Agreed Upon by Leadership Group for Legislative Appropriations Request (LAR) Projection

Policy	Assumption	Note
Parole approval rate	20%	Parole considerations fluctuate so the same rate produces a different number of releases during particular periods of time.
DMS approval rate	50%	Composition of mandatory releases will change from 45% of mandatory releasees DMS eligible today to 98% in 2005. The change in the composition translates into fewer total mandatory releasees in the future even as the release rate stays the same.
Parole case considerations	No significant change in number of cases considered for parole	Monthly cases considered for parole are expected to fluctuate at between 5,400 to 5,800 a month.
Parole revocations	Latest trend	Increasing (19% more in first six months of FY 2000 compared to same period FY 1999).
Parole revocation process	Process streamlining underway will not increase revocations	The Parole Division is implementing a new process to streamline parole revocation hearings in 2000. The new process is assumed not to have an impact in increasing the number of offenders revoked.
Maximum time in county jail awaiting transfer to prison	38 days	Offenders awaiting transfer to prison for longer than 45 days violate the state's "duty-to-accept". The less than 45 days population is considered a "transitional" population. Prison administrators preferred to process this transitional population for admission to prison in no longer than 38 days.
State Jail Felons sentenced to State Jail Time	One time increase due to impact of Harris County sentencing policy change	In February 2000 admissions to State Jails increased by 20% from the previous five month average due mainly to the policy change in Harris County. The long-term impact of this policy is still under review. It is assumed here that other counties will not adopt the same changes.

Main Assumptions (cont.)

Policy	Assumption	Note
System operational capacity	97.5%	Preferred operational capacity for prison administrators
Contracted capacity	4,666 beds	Authorized capacity of fund 999 in April 2000. Projected contracted capacity as of August 2000.
New prison capacity	No new units besides ones already under construction	Lewis Unit opened May 2000. Clements Unit opened July 2000.
Crime rate	Latest trend	Declined of 3.1% during first six months of 1999.
Number of adult arrests	Latest trend	Declined of 1% during the first six months of 1999.
New felony conviction rate	Latest trend	Increased 2.9% in 1998 and 1999.
Probationocations	Latest trend	Increasing after declining in 1996 and 1997.
Sentencing patterns	Latest trend	Sentence distributions of offenders sentenced to prison to stay the same as last year.
Statewide demographic projection	Texas State Data Center, Texas A&M, May 2000	New Census result will not be ready until 2001 and may affect the demographic projection for the state and consequently the correctional population projection presented here.

Note: Leadership group that reviews and agree upon assumptions include representatives from the Office of the Governor, Lt. Governor, Speaker, Senate Finance and Criminal Justice Committee, House Appropriations and Corrections Committee, TDCJ, and LBB

APPENDIX

B

Projection Of Juvenile Justice Correctional Populations: Fiscal Years 2000 - 2005



**Criminal Justice Policy Council
June 15, 2000**

**Tony Fabelo, Ph.D.
Executive Director**

Projection Of Juvenile Justice Correctional Populations: Fiscal Years 2000 - 2005

*To view or download this report, visit our website at
www.cjpc.state.tx.us*

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Note from the Director

This report presents the projection of juvenile justice correctional populations for fiscal years 2000 - 2005. This is the official Texas legislative projection mandated by law to be issued no later than September 2000. The projection was completed earlier to allow the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) to develop appropriation requests based on the numbers presented.

Juvenile arrests in Texas declined by 2.5% in 1997, 4.0% in 1998, and 10.3% in 1999 after a steady increase in prior years. Juveniles arrested for violent offenses continue to represent a small percentage of all juveniles arrested (3 % in 1999). Referrals to juvenile probation departments declined in 1999 for the fourth consecutive year. Between 1995 and 1999, referrals decreased by 11.1% (from 133,866 referrals in 1995 to 118,996 in 1999). The decline in referrals has occurred as the state's juvenile population (ages 10 to 16) increased by 3.5% during the same period. The majority (80%) of referrals to juvenile probation departments continue to be for non-felony offenses.

The reduction in arrests and referrals, along with a policy adopted by the last legislature restricting the commitment to TYC of juveniles who have committed certain misdemeanor offenses, is projected to help stabilize the demand for TYC space. The TYC population has increased in recent years mainly as a result of increased time served for juveniles committed and increased probation and parole revocations due to the implementation of tougher community supervision policies. Nevertheless, given present arrest and referral trends, and provided a stabilization in time served increases, TYC is projected to have adequate capacity to meet demand for space until late 2005. After all scheduled TYC capacity expansion is completed, TYC will have a capacity of 6,120. The projected TYC population for August 2004 is 6,014. Only an additional 64 beds will be needed to meet demand by August 2005. These beds can be acquired through contracted capacity.

The juvenile probation population is expected to start growing again after a recent stabilization of around 39,000 juveniles in 1998 and 1999. The main reason for the increase will be demographic. The state's juvenile population is projected to increase by 10.2% between 2000 - 2005, impacting a related increase in probation referrals. Probation referrals are projected to increase by 12.8% between 1999 and 2005, from 118,996 to 134,208. During the same period the probation population under supervision is projected to increase by 11.5%, from 38,996 to 43,490. On-going evaluations will continue monitoring the impact of juvenile reforms and prevention programs in mitigating the increases expected from growth of the juvenile population.

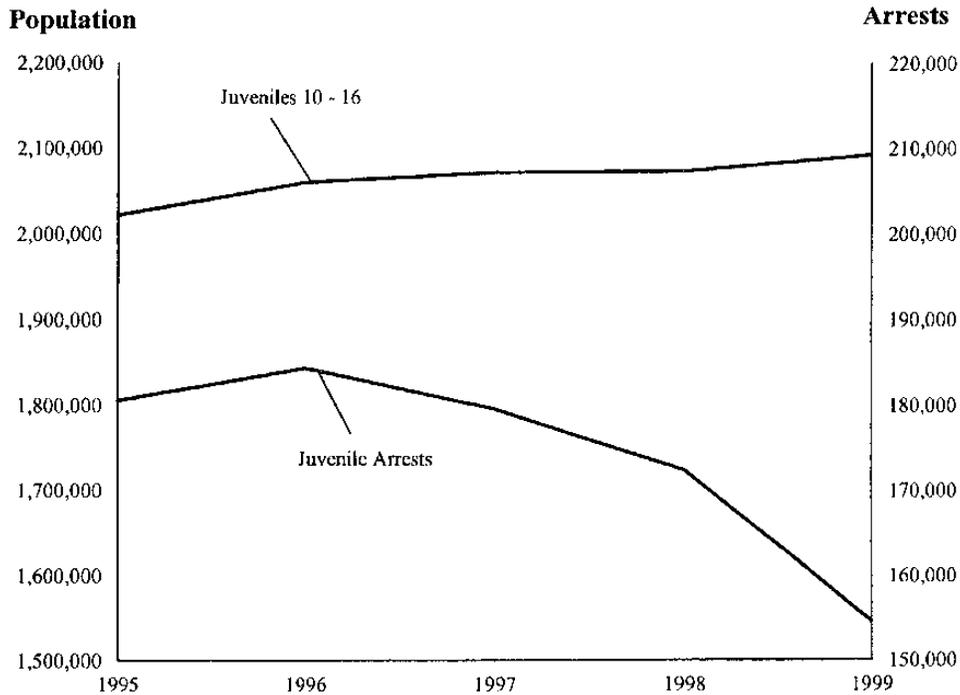
Tony Fabelo, Ph.D.
Executive Director

Acknowledgments

The Criminal Justice Policy Council wishes to acknowledge Dr. Charles Jeffords and Terry Graham for their invaluable assistance relating to information relevant to the Texas Youth Commission and to Karen Friedman for the same assistance related to information relevant to the Texas Juvenile Probation Commission.

Juvenile Arrests Have Declined Since 1996, After a Steady Yearly Increase in Prior Years

**Juvenile Population and Arrests
1995 - 1999**



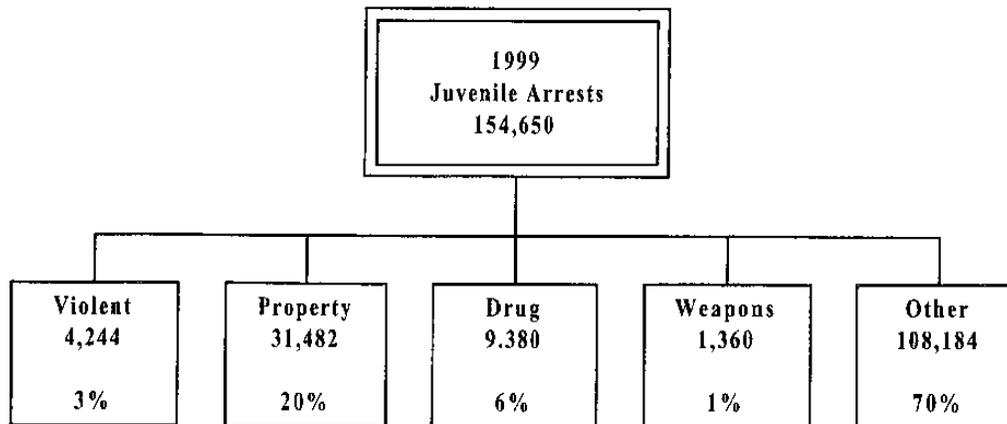
Data Sources: Texas State Data Center; Texas Department of Public Safety

- The state's juvenile population (ages 10 to 16) increased by 3.5% between 1995 and 1999.
- √ During the same period, juvenile arrests decreased by 14.3%.

	1995	1996	1997	1998	1999	% Change 1995 - 1999
Juvenile Population	2,021,220	2,060,161	2,071,862	2,073,628	2,092,764	3.5%
Juvenile Arrests	180,546	184,284	179,631	172,441	154,650	-14.3%

Arrests for Violent Offenses Account for a Small Percentage of Juvenile Arrests

1999 Juvenile Arrests by Offense Category



- Violent offenses are the FBI defined Violent Index offenses of Murder and Non-negligent Manslaughter, Forcible Rape, Robbery and Aggravated Assault.
- Property offenses are the FBI defined Property Index offenses of Burglary, Larceny/Theft and Motor Vehicle Theft.
- “Other” offenses are all offenses not included in the definitions of Violent, Property, Drug or Weapons offenses.
 - √ The offenses of Simple Assault (15,960), Disorderly Conduct (15,332), Runaway (23,356), and Curfew and Loitering violations (16,328), accounted for 66% of “Other” offenses.
- All offense categories except the Violent category include both felony and misdemeanor offenses.

Referrals to Juvenile Probation Departments Declined in 1999 for the Fourth Year Since 1995

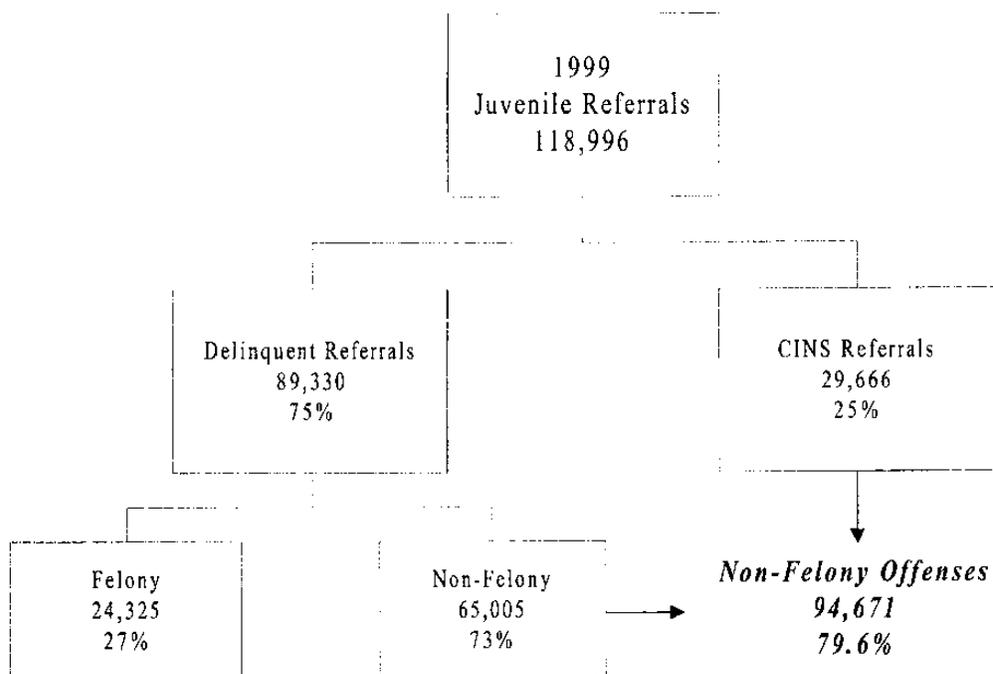
Juvenile Population and Referrals 1995 - 1999

	1995	1996	1997	1998	1999	% Change 1995 - 1999
Juvenile Population	2,021,220	2,060,161	2,071,862	2,073,628	2,092,764	3.5%
Juvenile Referrals	133,866	129,062	126,132	125,608	118,996	-11.1%
Referral Rate	6,623.0	6,264.7	6,087.9	6,057.4	5,686.1	-14.1%

- From 1995 to 1999 the number of juvenile referrals decreased by 11.1%.
- From 1995 to 1999 the juvenile referral rate decreased by 14.1%.
 - √ Rates are calculated per 100,000 juveniles (ages 10 to 16) in the state's population.
 - √ In 1999, 5686.1 of every 100,000 juveniles in Texas were referred to juvenile probation.

The Majority of Referrals to Juvenile Probation Departments Continue to be for Non-Felony Offenses

1999 Referrals to Juvenile Probation

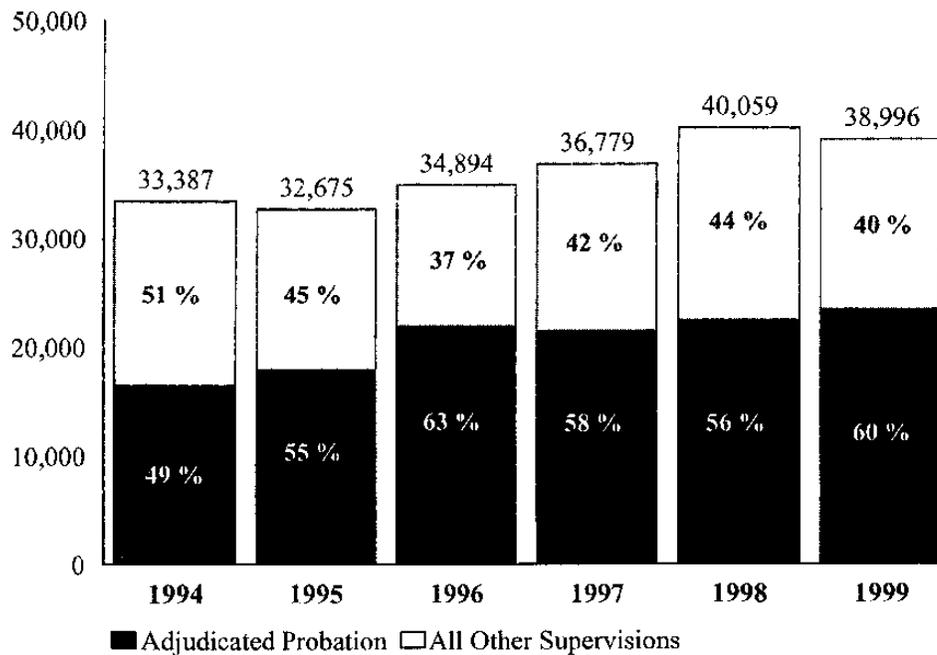


- A referral occurs when a juvenile is brought to the juvenile probation department for alleged delinquent conduct or conduct indicating a need for supervision (CINS).
 - √ Delinquent conduct includes all felonies, Class A & B misdemeanors and violations of a juvenile court or magistrate's order.
 - ◆ Non-felony delinquent offenses include 48,270 misdemeanors (54% of all delinquent referrals) and 16,735 violations of a court or magistrate's order (19%).
 - √ CINS offenses include status and non-status offenses.
 - ◆ Status offenses include truancy and running away from home (behavior that constitutes an offense only because of the juvenile's minor status).
 - Status offenses accounted for 58% of all CINS referrals in 1999 (17,097).
 - ◆ Non-status offenses include all Class C misdemeanors, violations of a city ordinance and inhalant offenses.
 - Non-status offenses accounted for 42% of all CINS referrals in 1999 (12,569).

The Juvenile Population Under Probation Supervision Increased but the Growth Has Recently Stabilized

Population Under Supervision by Juvenile Probation Departments

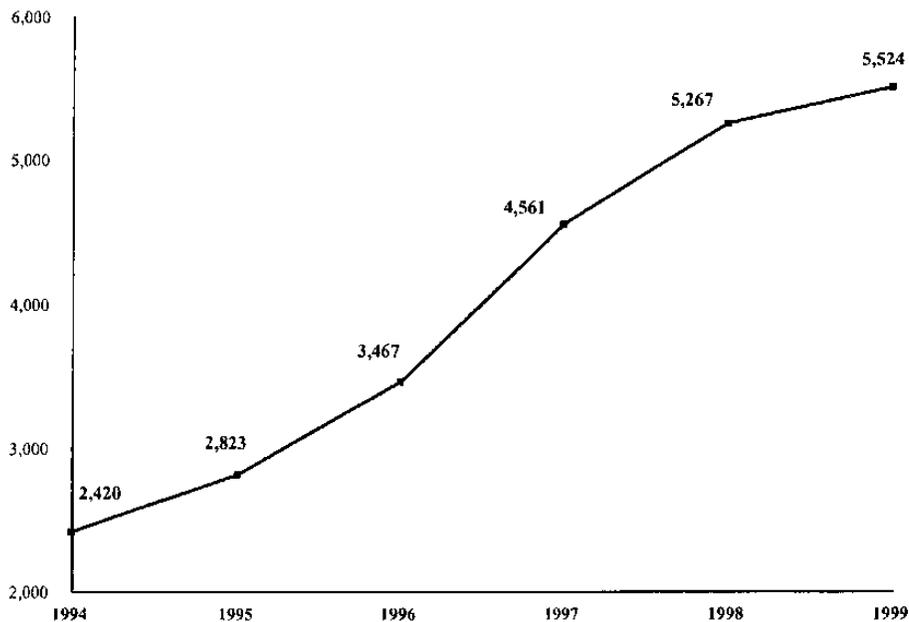
1994 - 1999



- The number of adjudicated probationers under supervision has increased from 16,465 in 1994 to 23,381 in 1999, an increase of 42%.
 - √ Adjudicated probationers now comprise 60% of the total supervision population.
- All other supervisions include deferred prosecution and conditional release from detention, where a juvenile is supervised in the community prior to his or her adjudication hearing.

The Population of the Texas Youth Commission (TYC) Has Increased Every Year Since the Juvenile Justice Reform of 1995

TYC End of Fiscal Year Population
1994 - 1999



- Texas juvenile justice system reform of 1995:
 - √ Increased punishments for serious, repeat, and general offenders, and funded increases in TYC capacity to accommodate the demand for space generated by the new policies, and
 - √ Adopted Progressive Sanctions Guidelines to increase the accountability and certainty of juvenile justice dispositions and provide more stringent community supervision.
 - √ Reform policies related to tougher punishments and increased time served for violent and repeat juvenile offenders and the Progressive Sanctions Guidelines became effective on January 1, 1996.
 - √ In addition to policies increasing punishments, TYC enacted policies in June 1996 that tied release decisions to progression through the phases of resocialization in the TYC system.
- The population of TYC increased over 100% from 1994 to 1999.
 - √ New commitments to TYC (juveniles entering TYC for the first time) increased from 2,005 in 1994 to 2,979 in 1999, a 49% increase.

Average Length of Stay for Violent Juveniles Has Increased Over 50% Since the Reform

**Average Length of Stay for Violent Offenders
FY 1995 and FY 1999**

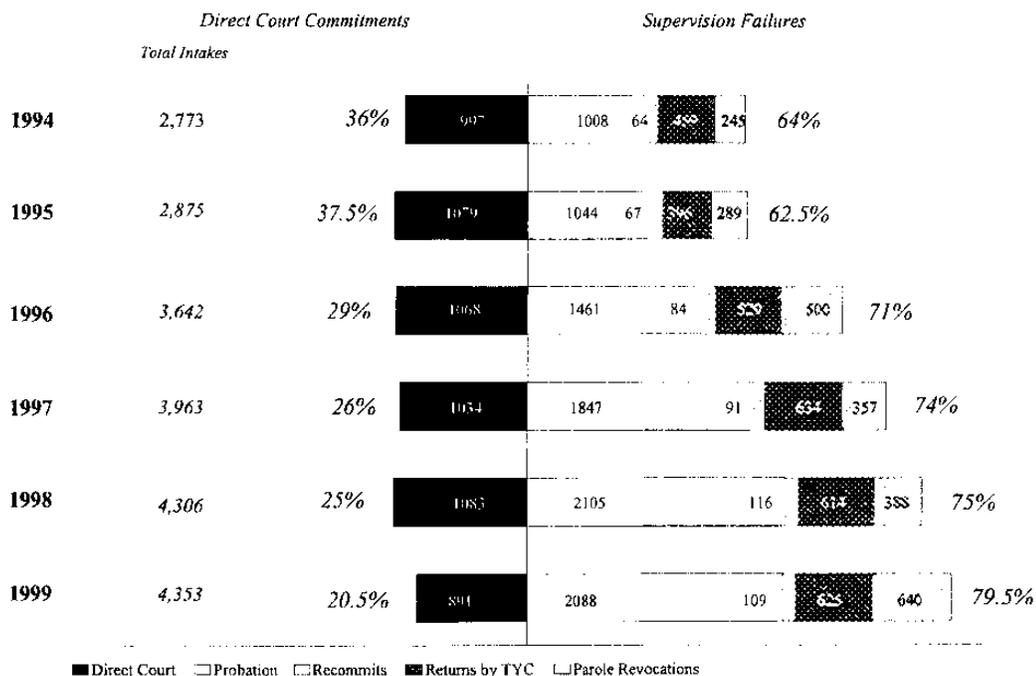
Type of Violent Crime	FY 1995 Length of Stay (In Months)	FY 1999 Length of Stay (In Months)	% Change
Violent A	29.9	46.3	54.8%
Violent B	13.3	20.6	54.9%
Total A & B	15.3	23.1	51.0%

Length of stay is for juveniles released from their first commitment to TYC, as calculated by the CJPC.

- Violent A crimes are: Capital Murder, Murder, Aggravated Sexual Assault, and Sexual Assault (including attempts).
 - √ Prior to July 1, 1996, Sexual Assault and Aggravated Sexual Assault were Violent B offenses.
- Violent B crimes are: Manslaughter, Kidnapping, Aggravated Kidnapping, Indecency with a Child by Contact, Aggravated Assault, Injury to a Child, Aggravated Robbery, Burglary (with intent to commit any other Violent A or B offense only), among other offenses.
 - √ Robbery was added to the list of Violent B offenses in August of 1998.
- Juveniles who received "Determinate Sentences" are not included in the calculation of time-served for violent offenders, even though most of these offenders were adjudicated for violent offenses.
 - √ Juveniles who receive determinate sentences may end their sentences in the adult criminal justice system. For this reason, sentenced juveniles are not included in time-served calculations, unless they complete their sentences in TYC.
- In Texas, a fiscal year begins September 1st and ends August 31st.

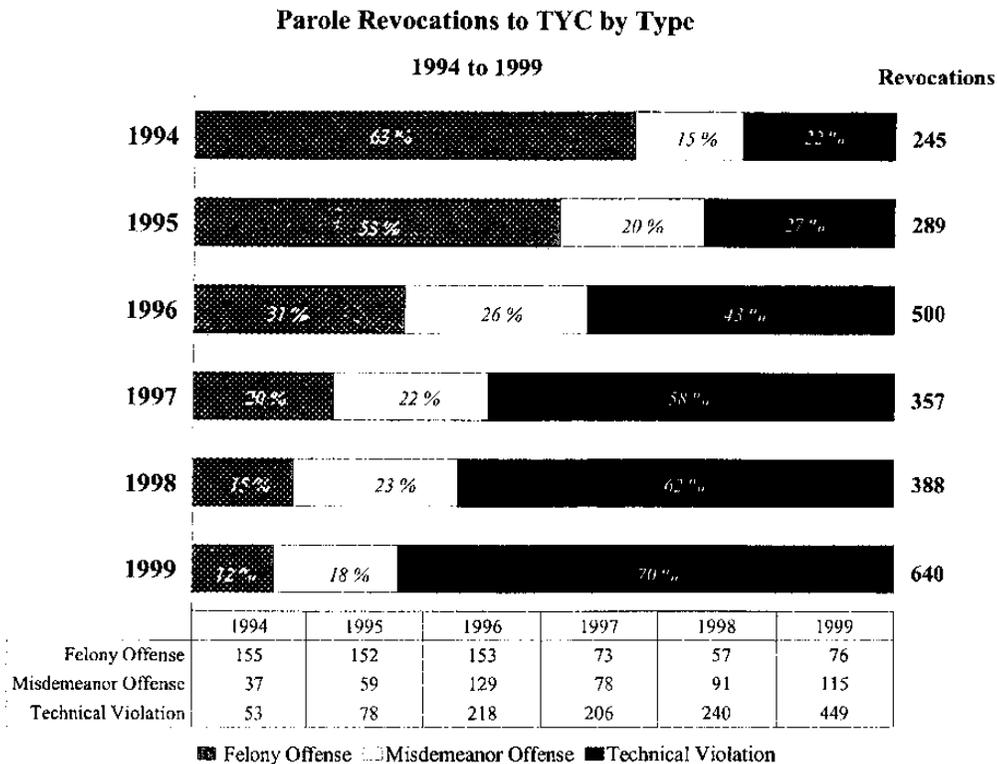
Supervision Failures Have Accounted for a Larger Percentage of TYC Intakes Since the Reform

TYC Intakes: 1994 - 1999



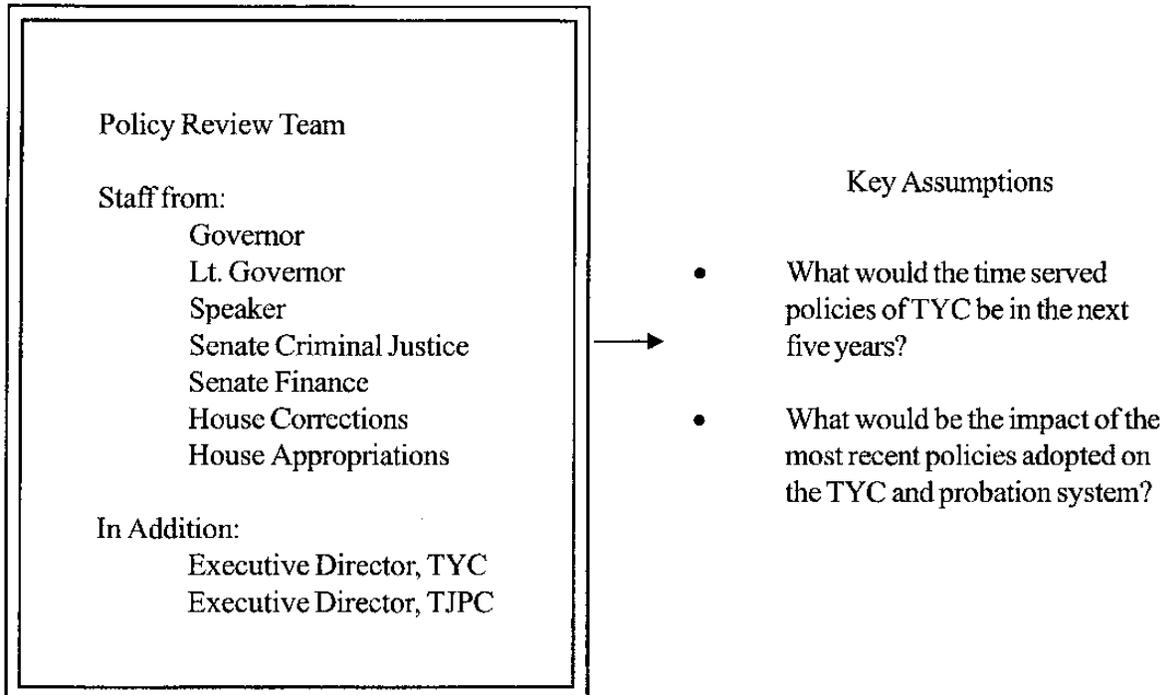
- Greater accountability for juveniles under supervision
 - √ The reform policies put more emphasis on holding juveniles under community supervision more accountable for abiding by the rules of supervision.
 - ◆ Juveniles on probation when committed increased from 1,008 in 1994 (36% of all intakes) to 2,088 in 1999 - almost half of all intakes. These juveniles, along with those directly committed by the courts, comprise the “new commitments” to TYC.
 - √ Zero tolerance of rule violations has led to an increase in revocations to TYC.
- Supervision failures to TYC
 - √ Juveniles who were on probation or parole when committed or juveniles recommitted by the courts.
 - √ Returns to institutions by TYC
 - ◆ Juveniles not yet released on parole returned to an institutional setting by TYC.
- While new commitments declined from 1998 to 1999, total intakes increased slightly from 4,306 to 4,353.

Technical and Misdemeanor Violations Constitute a Larger Share of TYC Parole Violations Since the Reform



- TYC parole revocation policy
 - √ Since the reform, TYC has instituted a policy demanding more accountability from juveniles that has led to an increase in parole revocations for technical violations and misdemeanor offenses.
 - √ The rationale of the policy, according to TYC officials, is to prevent the escalation of technical and misdemeanor violations into felony offenses.
 - √ In FY 1999, juveniles returned for a technical parole violation served an average of 4.1 months, compared to 4.9 months for misdemeanor revokees and 11 months for felony revokees.
- From 1994 to 1999, parole revocations to TYC increased by 161%, from 245 to 640.
 - √ As the chart on the preceding page depicts, parole revocations accounted for 15% of total intakes in 1999 (640 of 4,353).

Key Policy Assumptions for this Projection Are Agreed Upon by a Review Team and Represent Best Guesses About the Future



- Assumptions of the projection:
 - √ Juvenile crime will not increase.
 - √ Probation revocations to TYC will stabilize.
 - √ The offense composition of the TYC commitments will reflect a slight difference from previous years, specifically fewer general offenders and increased violent, repeat, and firearm offenders.
 - √ The local post-adjudication detention facilities will not divert juveniles from TYC commitment.
 - √ The new law limiting the commitment of a juvenile for a misdemeanor offense (HB 2947) will have an impact in reducing commitments initially then stabilize as local officials commit juveniles to TYC for other types of offenses.
 - √ Average length of stay for TYC commitments will continue at recent levels.

Data Related to Composition of the TYC Population and Average Length of Stay

Composition of TYC Population by Classification Category

Classification Level	Percent of Commitments			
	1997	1998	1999	Projection
Sentenced (Determinate)	9.2%	8.5%	7.0%	7.1%
Violent/Repeat/Firearms	29.9%	27.6%	32.0%	33.8%
General Population	60.9%	63.9%	61.0%	59.1%

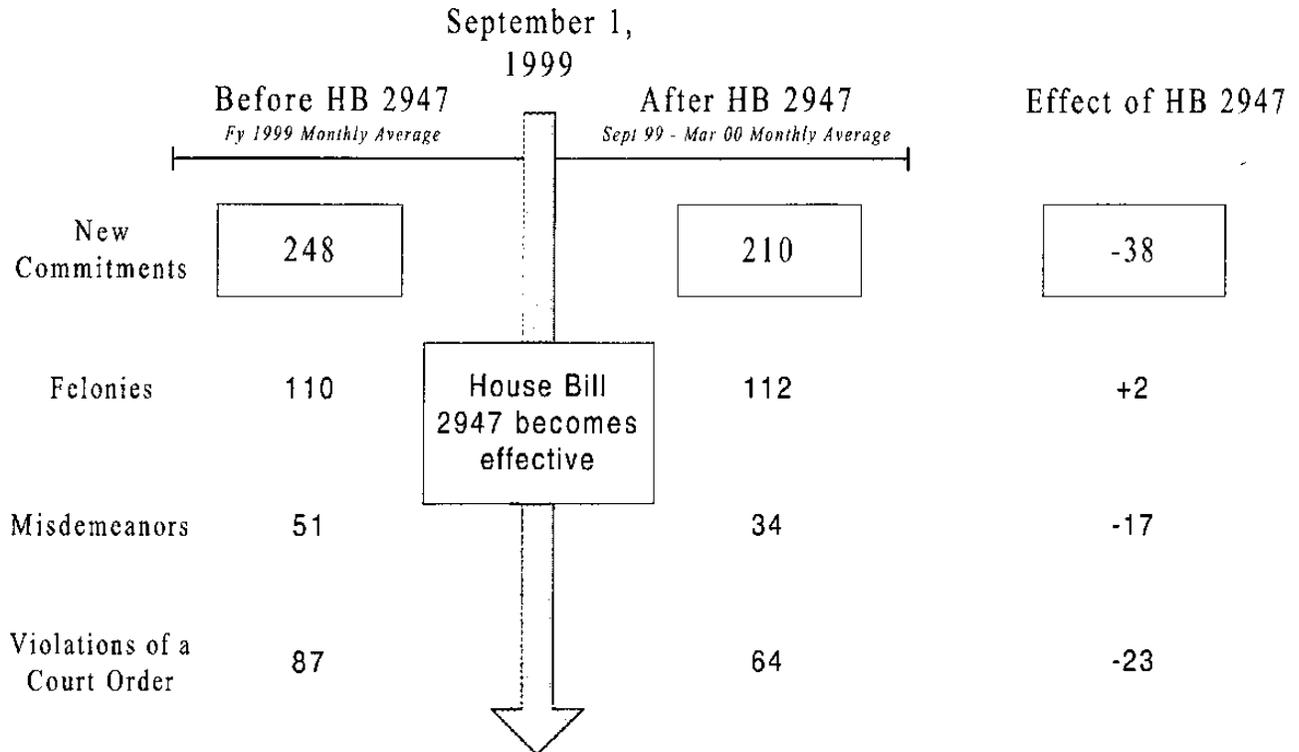
Most Recent Average Length of Stay Calculation

Offender Type	Average Length of Stay in Months		
	February 97 - January 98	February 98 - January 99	February 99 - January 2000
Sentenced	27.7	28.4	29.2
Violent A	38.7	44.1	51.7
Serious	15.4	17.9	19.0
General	12.4	13.5	14.5

The 12 month period of February through January is used for the projection model, rather than fiscal year, to make use of the most current data.

- The percent of all juveniles released from TYC who served more than 12 months in their initial commitments increased from 42% in 1996 to approximately 58% in 1999.
 - Average length of stay is calculated for an offenders first stay in TYC.
 - Violent A offenders serve a minimum of 24 months in TYC, serious offenders a minimum of 12 months, and general offenders a minimum of 9 months (by policy).
- √ Serious offenders include Violent B, Chronic Serious, Controlled Substance Dealer, and Firearms offenders.

Short Term Impact of HB 2947



Bottom Line: 38 fewer new commitments per month

- House Bill 2947 limits the commitment of a juvenile to the Texas Youth Commission for misdemeanor offenses.
 - √ A juvenile can be committed by the court to TYC for a delinquent misdemeanor offense only after two previous delinquent adjudications.
 - √ A juvenile currently on probation for a delinquent misdemeanor cannot be revoked to TYC for violations of the conditions of probation. If, however, the juvenile commits a new delinquent misdemeanor, and has at least one prior delinquent adjudication, he or she may be adjudicated and committed to TYC by the court.
 - √ A juvenile can be committed to TYC for a felony adjudication or a violation of probation conditions for a felony probation.

TYC Capacity Expansion Schedule

TYC Capacity Schedule

Starting Capacity	Capacity Additions &/or Reductions		Ending Capacity
	Institutional	Contract	
September 1, 1999 5,367	432	117	August 31, 2000 5,916
September 1, 2000 5,916	112	9	August 31, 2001 6,037
September 1, 2001 6,037	392	-373*	August 31, 2002 6,056
September 1, 2002 6,056	64	0	August 31, 2003 6,120

*Contract reduction is due to replacing of contract capacity with additional institutional capacity.

- The 76th Texas Legislature approved the expansion of the McLennan County State Juvenile Correctional Facility.
 - √ 320 single cell beds at a construction cost of \$28.9 million.
 - √ The facility began operating in January of 2000, and will have 240 beds on line by the end of FY 2000, 352 by the end of FY 2001 and 672 by the end of FY 2002.
- Contracted capacity is funded at the baseline level of 1,000 beds.

**TYC Is Projected to Meet Demand for Space in the Next Five
Years Given the Assumptions of this Projection and
Available Capacity**

Fiscal Year	TYC End of FY Capacity	Population Projection	Projected Population Over Capacity
2000	5,916	5,617	0
2001	6,037	5,684	0
2002	6,056	5,782	0
2003	6,120	5,903	0
2004	6,120	6,014	0
2005	6,120	6,184	64

Juvenile Probation Referrals Are Projected to Increase Mainly Due to Projected Increases in the State's Juvenile Population

Calendar Year	Referrals to Juvenile Probation Departments	Population Under Probation Supervision
2000	119,510	39,439
2001	121,244	39,917
2002	123,999	40,677
2003	127,607	41,671
2004	129,875	42,296
2005	134,208	43,490

- Texas' population (ages 10 to 16) is projected to increase 10.2%, from 2,106,263 to 2,321,002, between 2000 and 2005.
- √ The juvenile population growth in the past five years (1995 to 2000) was 4.2%, from 2,021,220 to 2,106,263.
- On-going evaluations will continue monitoring the impact of juvenile reforms and preventive programs in mitigating the expected growth in referrals based on population changes.

**Growth in Juvenile Population Ages 10 -16
1995 to 2005**

